

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)
(Jointly Administered)

Re: D.I. [832](#), [972](#), [987](#), [988](#)

**CERTIFICATION OF COUNSEL REGARDING SUBMISSION OF ORDER
APPROVING TRUSTEE’S MOTION FOR ENTRY OF AN ORDER
(I) APPROVING SETTLEMENT WITH THE DEBTOR MOVANTS PURSUANT
TO FED. R. BANKR. P. 9019 AND (II) GRANTING RELATED RELIEF**

I, John T. Carroll, III, counsel to George L. Miller in his capacity as the chapter 7 trustee (the “Trustee”) for the estates (the “Estates”) of the above-captioned debtors (the “Debtors”), hereby certifies the following:

1. On or about June 21, 2024 the Debtor Movants filed the *Debtors’ Motion for Entry of an Order Authorizing and Approving the Conversion of These Chapter 7 Cases to Cases Under Chapter 11* [D.I. 832] (the “Conversion Motion”).

2. Following arm’s-length negotiations, the Trustee and the Debtor Movants reached an agreement on the Conversion Motion and on or about October 17, 2024 the Trustee filed the *Trustee’s Motion for Entry of an Order (I) Approving Settlement with the Debtor Movants Pursuant to Fed. R. Bankr. P. 9019 and (II) Granting Related Relief* [D.I. 972] (the “Motion”).²

3. On or about November 13, 2024 Leadiant Biosciences, Inc.’s (“Leadiant”) filed an objection to the Motion [D.I. 987] (the “Leadiant Objection”).

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23- 10255. The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

4. On or about November 14, 2024 the United States Trustee (the “UST”) filed a limited objection to Motion [D.I. 988] (the “UST Objection”).

5. A hearing to consider the entry of an order approving the Motion was held before the Honorable Karen B. Owens on November 20, 2024 (the “Hearing”) at which time the Court was informed a settlement had been reached regarding the Leadiant Objection and the Court subsequently overruled the UST Objection.

6. In accordance with the colloquy with the Court at the Hearing, the Trustee’s undersigned counsel has revised the proposed Order approving the Motion together with the Settlement Agreement to address and include the settlements reached and placed on the record at the Hearing.

7. A proposed revised form of Order (the “Revised Order”) is attached to this Certification as Exhibit “A,” and a copy of the revised Settlement Agreement (the “Revised Settlement Agreement”) itself is attached as Exhibit “1” to the Revised Order.

8. A redline version of the proposed Revised Order is attached to this Certification as Exhibit “B,” and a redline version of the revised Settlement Agreement itself is attached as Exhibit “1” to the Revised Order.

9. The Trustee’s undersigned counsel has circulated the Revised Order and Revised Settlement Agreement to counsel to the Debtor movants, counsel to Leadiant and to the UST all of whom have consented to the form of the Revised Order and entry by the Court.

10. The Trustee respectfully requests entry of the Revised Order and the Revised Settlement Agreement itself attached as Exhibit “1” to the Revised Order, copies of which are attached to this Certification as Exhibit “A”, approving the Motion at the Court’s earliest convenience.

Dated: November 25, 2024
Wilmington, Delaware

COZEN O'CONNOR

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